

ALAN A. DRESSLER, ESQ. (SBN #56916)  
400 Montgomery St., Suite 200  
San Francisco, California 94104  
Tel.: (415) 421-7980  
Fax: (415) 421-7021  
E-mail : alandressler@aol.com

Attorney for Defendant Jorge Peraza-Rivas

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ARMANDO ANTONIO MONROY  
and JORGE PERAZA-RIVAS,  
Defendants.

No. CR 12-00010 EMC

STIPULATION AND [PROPOSED]  
ORDER RE PRESERVATION OF  
EVIDENCE SEIZED PURSUANT TO  
SEARCH WARRANT

**STIPULATION**

The United States of America and defendants Jorge Peraza -Rivas and Armando Antonio Monroy , by and through their respective counsel, hereby stipulate and ask the court to find as follows:

1. On January 25, 2012 the United States of America executed a search warrant at the premises known as 232 Peabody St. , San Francisco, California 94134. Pursuant to that warrant government agents created a mirror image of the hard drive of a computer located therein. ( 120G hard drive in an Emachine Desktop computer with the Serial Number XRC6880010009).

2. Defendant Monroy was the owner of the hard drive in the Emachine Desktop computer with the Serial Number XRC6880010009 at the time the warrant was executed.

///

1        3. On January 18, 2013 the United States of America provided counsel for defendants  
2 Peraza-Rivas and Monroy with the “Application for the Search Warrant”, the “Search and  
3 Seizure Warrant”, and the “Inventory Listing of All Items Seized at Search Warrant Site”  
4 pertaining to the search of 232 Peabody St., San Francisco, California 94134 .

5        4. The cover letter accompanying the new discovery was sent to counsel for defendants  
6 Monroy and Peraza-Rivas and advised counsel for defendant Monroy as follows: . . . “In  
7 addition, there was an image of a computer seized during execution of the search warrant, as  
8 reflected on the inventory of items seized. Please let me know if you would like the data on that  
9 image to be returned to Mr. Monroy, deleted, or destroyed pursuant to Attachment C to the  
10 search warrant.”

11        5. Counsel for Monroy advised the United States of America that they could destroy the  
12 “image”.

13        6. Counsel for Peraza-Rivas has advised counsel for the United States of America and  
14 counsel for defendant Monroy that he would like a copy of the “image” in the United States of  
15 America’s possession so he can determine if it contains information which could potentially  
16 exculpate defendant Peraza-Rivas.

17        7. Counsel for defendant Monroy has objected to defendant Peraza-Rivas receiving a copy  
18 of the image from either the United States or defendant Monroy.

19        8. Counsel for defendant Peraza-Rivas will be filing a motion on February 6, 2012 asking  
20 the court to order the United States of America to provide a copy of the image so it can be  
21 examined for the presence of information which could potentially exculpate defendant Peraza-  
22 Rivas.

23        9. Based on all of the foregoing the parties stipulate and request that the court issue an order  
24 directing that United States of America preserve the data on the mirror image in their possession

25 ///

26 ///

27 ///

1 and not destroy or otherwise dispose of that mirror image until this court has had an opportunity  
2 to determine the merits of the motion to be filed by defendant Peraza-Rivas.

3  
4 Dated: January 31, 2013

Respectfully submitted,

5 MELINDA HAAG  
6 United States Attorney

7 /s/  
8 Alexa Summer  
Assistant United States Attorney

9 /s/  
10 Alan A. Dressler Esq.  
11 Attorney for Defendant  
Jorge Peraza-Rivas

12 /s/  
13 Steven Gruel, Esq.  
14 Attorney for Defendant  
Armando Antonio Monroy

Attorney for Defendant

Stipulation and Order  
CR 12-00010 EMC